

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Amendment of the Commission's)
Rules To Preempt State and Local)
Regulation of Tower Siting For)
Commercial Mobile Services Providers)

RM-8577

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REPLY COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint") hereby respectfully replies to comments filed in response to the above-captioned "Petition for Rule Making" filed by the Cellular Telecommunications Industry Association ("CTIA").¹

Uniformly, CMRS providers commented in support of CTIA's petition. The vast majority cited, as did Sprint, numerous examples of state and local ordinances that have had the effect of imposing serious delays and considerable costs to providers in the tower siting process, thereby impairing providers' ability to deliver high quality service to their customers in a timely, efficient and cost effective manner. (See, American Personal Communications at 2-5; McCaw Cellular Communications at 11-17; Pacific Telecom Cellular at appendix.) These commenters agreed that the Commission should adopt an NPRM proposing preemption of state and local regulations "which have the purpose or effect of barring or impeding . . . CMRS . . . providers from locating and constructing new towers." (CTIA Petition at 2.)

1. See Public Notice, 51679 (January 18, 1995).

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Conversely, the comments filed by state, county and local legislative, regulatory and judicial entities consistently and adamantly opposed the ceding of zoning and other land use authority to the federal government. (See, Massachusetts DPU at 1; County of Prince William, VA at 1; National Association of Telecommunications Officers and Administrators et al. at 2)

Several commenters agreed with Sprint that "the legitimate bases of land use regulations must be carefully balanced against the need for cellular and other CMRS providers to locate their towers appropriately in order to provide service to their customers." (Sprint Comments at 10.) Even a cursory reading of the comments, however, underscores the challenges to finding a middle ground acceptable to the interests of all parties.

In this regard, the comments of GTE Mobile Communications, Inc. and GTE Mobilnet, Inc. ("GTE") are worthy of consideration. GTE proposes, as an alternative to federal preemption, that the Commission convene a panel representing all interested parties -- the communications industry, the National League of Cities and urban planning communities, and local and state governments, along with Commission staff, for the purpose of promulgating national standards to best serve the needs of both wireless providers and state and local authorities.

Sprint supports this proposal as a rational compromise that should benefit both CMRS providers and localities. A panel composed of all interests can dispassionately examine all the

legitimate needs of the respective parties in a fact-based forum, culminating in flexible standards that best accommodate the often conflicting requirements of those parties.

As our comments emphasized, Sprint is sensitive to prevalent local concerns regarding aesthetic aspects and perceived adverse impacts of towers. However, our efforts to design cellular systems that balance such concerns in combination with reasonable local regulations, against the capacity and coverage needs of our customers, are often frustrated by unreasonable opposition to our proposals for tower locations.

It has been Sprint's experience, the universality of which is borne out by a number of commenters -- both other CMRS providers and citizens/citizens' groups -- that the driving force behind many inconsistent and seemingly arbitrary tower siting decisions is grounded in a variety of misguided fears regarding the effects of tower placement on such things as health and real estate values. (See, Frontier Cellular Holding Company at 7-8; Southwestern Bell Mobile Systems at 10; Folks for Appropriate Cellular Tower Sites at 1.) There is an abundance of evidence that organized local action groups have exerted an inordinate amount of influence in tower siting decisions, which in most jurisdictions rest with local elected or appointed officials. As United States Cellular Company states (at 2) local opposition to towers is intensifying, just at the time that thousands more will

need to be licensed for new and expanded wireless services. The adoption of GTE's proposal, which would give authority for overall standards to a national panel, would ensure proper perspective in the evaluation of all such concerns.

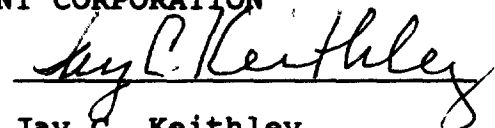
For the above reasons, Sprint strongly supports GTE's proposal that the Commission convene a panel representing all parties with a legitimate interest in CMRS tower siting policies and procedures. Sprint believes that this proposal is a reasonable alternative that will fairly balance all affected interests.

If the Commission should decide to adopt GTE's proposal and convene such a panel, Sprint urges it to establish a reasonable near term date certain for the promulgation of national standards, so that the process of siting and construction of towers for PCS and other new CMRS services, and the consequent rollout of these services, will not be impeded.

Respectfully submitted,

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March 6, 1995

CERTIFICATE OF SERVICE

I, Melinda L. Mills, hereby certify that I have on this 6h day of March, 1995, sent via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing "Reply Comments of Sprint Corporation" in the Matter of Amendment of the Commission's Rules to Preempt State and Local Regulation of Tower Siting for Commercial Mobile Services Providers, RM-8577, filed this date with the Acting Secretary, Federal Communications Commission, to the persons on the attached service list.



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